

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDERSON NEWS, L.L.C. and LLOYD
WHITAKER, as the Assignee under an Assignment
for the Benefit of Creditors for Anderson Services,
L.L.C.

Plaintiffs,

-against-

AMERICAN MEDIA, INC., BAUER PUBLISHING
CO., LP., CURTIS CIRCULATION COMPANY,
DISTRIBUTION SERVICES, INC., HACHETTE
FILIPACCHI MEDIA, U.S. HUDSON NEWS
DISTRIBUTORS LLC, KABLE DISTRIBUTION
SERVICES, INC., RODALE, INC., TIME INC. and
TIME/WARNER RETAIL SALES &
MARKETING, INC.,

Defendants.

09 CIV. 2227 (PAC)
ECF CASE

NOTICE OF MOTION

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that, upon the Amended Complaint; the Declaration of Rowan D. Wilson, executed on November 1, 2012, with exhibits annexed thereto; the Declaration of David G. Keyko, executed on October 23, 2012, with exhibits annexed thereto; the Affidavit of Michael Cvrlje, sworn to October 28, 2012; the Declaration of Dennis F. Porti, executed on September 26, 2012; the Affidavit of Michael Porche, sworn to September 30, 2012; the Affidavit of John Rafferty, sworn to September 18, 2010; the Affidavit of Ronald Clark, sworn to October 26, 2012; the Affidavit of James Cohen, sworn to September 14, 2012; and the Memorandum of Law in Support of Defendants' Motion for Rule 11 Sanctions, and upon all other papers and prior proceedings herein, Defendants American Media, Inc., Bauer Publishing Co., L.P., Curtis Circulation Co., Distribution Services, Inc., Hearst Communications, Inc., Hudson News Distributors LLC, Kable Distribution Services, Inc., Rodale, Inc., Time Inc.,

Time/Warner Retail Sales & Marketing, Inc., hereby move this Court, Hon. Paul A. Crotty, District Judge at the United States Courthouse, 500 Pearl Street, Courtroom 20-C, New York, New York, for an order pursuant to Rule 11 of the Federal Rules of Civil Procedure, awarding sanctions, striking the allegations of paragraph 63 of the Amended Complaint, awarding attorney's fees and costs incurred as a result of violations of Rule 11, and granting such other and further relief as the Court deems just and proper.

The grounds for this motion are that plaintiffs and their counsel have no objectively reasonable factual basis for alleging: that the meeting alleged in paragraph 63 of the Amended Complaint took place on or about January 29, 2009; that the group of individuals named in paragraph 63 of the Amended Complaint met at Hudson's offices or elsewhere; or that any representatives of the defendants named in paragraph 63 of the Amended Complaint met at Hudson's offices or elsewhere during the period from January 12, 2009, to February 3, 2009.

The meeting alleged in paragraph 63 of the Amended Complaint is a sheer fabrication.

Defendants' motion is also based on the ground that defendants have, over the past several years, advised plaintiffs of the falsity of the facts alleged in that paragraph and have provided evidence to demonstrate the falsity of those allegations, all of which plaintiffs have ignored. Additionally,

plaintiffs have refused to identify any basis in fact to justify the continued assertion of those allegations and have thereby caused unnecessary delay and needlessly increased the cost of this litigation.

November 5, 2012

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By

/s/ Rowan D. Wilson

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